

REMARKS

Reconsideration of the Rejections of the Office Action and allowance of the claims are respectfully requested in view of Applicant's remarks below.

Remarks Regarding Claim Amendments

The amendments to the claims are supported throughout the application as filed. The basis for the correction of "tioxanethone" to "thioxanethone" in claim 25 can be found in paragraph [0045]. No new matter is added by the claim amendments and new claims and the entry of the claim amendments are requested.

Remarks Regarding Elections/Restrictions

Applicant has cancelled Claim 18 which was previously withdrawn by the Examiner.

Remarks Regarding Claim Objections

Claims 25 and 26 were objected to. Applicant has amended Claims 25 and 26 to use the word "component" instead of "element" in order to remain consistent with Claim 24 from which Claims 25 and 26 depend.

Withdrawal of the objections is respectfully requested.

Remarks Regarding Section 112 Rejections

Claims 1-5, 13-17 and 21-26 stand rejected under 35 U.S.C. 112 second paragraph as allegedly being indefinite for failing to particularly point out and distinctly claim. Applicant traverses.

Applicant has amended Claims 1, 2, and 16 to remove polyacrylates from the group of flow modifiers. For these reasons, withdrawal of Section 112 rejections A and B is respectfully requested.

Applicant has amended Claim 25 to correct a typo in the claim. In claim 25 "tioxanethone" has been changed to "thioxanethone." Support for this amendment can

be found in paragraph [0045] of the application as filed. For these reasons, withdrawal of Section 112 rejection C is respectfully requested.

Remarks Regarding Section 103

A claimed invention is unpatentable if the differences between it and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art. *In re Kahn*, 78 USPQ2d 1329, 1334 (Fed. Cir. 2006) citing *Graham v. John Deere*, 148 USPQ 459 (1966). The *Graham* analysis needs to be made explicitly. *KSR v. Teleflex*, 82 USPQ2d 1385, 1396 (2007). It requires findings of fact and a rational basis for combining the prior art disclosures to produce the claimed invention. See id. ("Often, it will be necessary for a court to look to interrelated teachings of multiple patents . . . and the background knowledge possessed by a person having ordinary skill in the art, all in order to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue"). The use of hindsight reasoning is impermissible. See id. at 1397 ("A factfinder should be aware, of course, of the distortion caused by hindsight bias and must be cautious of arguments reliant upon ex post reasoning"). Thus, a *prima facie* case of obviousness requires "some rationale, articulation, or reasoned basis to explain why the conclusion of obviousness is correct." *Kahn* at 1335; see *KSR* at 1396.

Claims 1-5, 13-17, and 21-26 stand rejected under 35 U.S.C. 103 as allegedly obvious in view of Lawton et al (US 2002/0106584). Applicant traverses.

Solely in an effort to expedite prosecution and without addressing the merits of the Examiner's rejection, Applicant has amended claims 1, 2, and 16 to excise polyacrylates from the group of required flow aid used in the composition. Applicant notes that this rejection is based on the limitation of polyacrylates as a flow modifier in the claim. The essential flow aid component is now limited to the group consisting of polyalkyleneoxide modified polydimethylsiloxane and ethyl acrylate-2-ethylhexyl

acrylate copolymer. Lawton does not teach or render obvious the use of a flow aid selected from the group consisting of polyalkyleneoxide modified polydimethylsiloxane and ethyl acrylate-2-ethylhexyl acrylate copolymer. Since the limitation that is the basis of the rejection has been removed, this rejection is moot.

For the reasons stated above, withdrawal of this rejection is respectfully requested.

Claims 1-5, 13-17, and 21-26 stand rejected under 35 U.S.C. 103 as allegedly obvious in view of Melisaris et al (US 6099787). Applicant traverses.

Solely in an effort to expedite prosecution and without addressing the merits of the Examiner's rejection, Applicant has amended claims 1, 2, and 16 to excise polyacrylates from the group of required flow aids used in the composition. The essential flow aid component is now limited to the group consisting of polyalkyleneoxide modified polydimethylsiloxane and ethyl acrylate-2-ethylhexyl acrylate copolymer. Melisaris does not teach or render obvious the use of a flow aid selected from the group consisting of polyalkyleneoxide modified polydimethylsiloxane and ethyl acrylate-2-ethylhexyl acrylate copolymer. Since the limitation that is the basis of the rejection has been removed, this rejection is moot.

For the reasons stated above, withdrawal of this rejection is respectfully requested.

CONCLUSION

Having fully responded to the pending Office Action, Applicant submits that the claims are in condition for allowance and earnestly solicit an early Notice to that effect. The Examiner is invited to contact the undersigned if additional information is required.

Respectfully submitted,

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